

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LIFE TECHNOLOGIES CORPORATION,

Plaintiff and Counterclaim-
Defendant,
v.
BIOSEARCH TECHNOLOGIES, INC.,

Defendant and Counterclaim-
Plaintiff.

Case No. 10-CV-2665 JAH (MDD)

**ORDER GRANTING JOINT MOTION
TO STAY LITIGATION PENDING
REEXAMINATION IN THE UNITED
STATES PATENT AND TRADEMARK
OFFICE**

The parties filed a joint motion seeking to stay this action pending the United States Patent and Trademark Office's ("PTO") reexamination of U.S. Patent No. 7,160,997 ("the '997 patent"), the PTO's consideration of Life Tech's petition for reexamination of United States Patent No. 7,019,129, ("129 Patent"), United States Patent No. 7,109,312, ("312 Patent"), and United States Patent No. 7,582,432, ("432 Patent"), and, if the petition is granted, the PTO's reexamination of the '129 Patent, the '312 Patent, and/or the '432 Patent. Because this case is in its early stages and because a reexamination is likely to simplify the issues before this court, the joint motion for stay is GRANTED.

IT IS HEREBY ORDERED THAT:

1. All proceedings in this case, including discovery, are STAYED and all hearing dates set on the court's calendar are VACATED.

1 2. Because a reexamination can take over one year, this case is TEMPORARILY
2 CLOSED. Either party may file an *ex parte* application to reopen the case after all the currently
3 pending reexamination requests (for the '997 patent, the '129 patent, '312 patent, and the '432
4 patent), including any and all appeals, are complete and final. The *ex parte* application shall be
5 filed no later than thirty (30) calendar days after the last event above, and shall include a copy of
6 the reexamination certificate(s) and any final decision.

7 3. Upon reopening of the case, the parties shall comply with their respective
8 outstanding discovery obligations and shall schedule a case management conference to reset case
9 management dates. Neither party shall argue that the passage of time due to the stay prejudiced
10 them or that it justifies delaying resolution of this case.

11 IT IS SO ORDERED.

12 Dated: October 21, 2011



JOHN A. HOUSTON
United States District Judge